

thirty-fifth judicial districts, and to fix the times of holding the courts therein; to change times for holding the district courts in the seventh and fourteenth judicial districts, and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches, and to provide for a district attorney in the sixteenth judicial district,' approved March 27, 1883," to Committee on Judicial Districts.

Senator Jones moved to suspend the regular order of business and take up Senate bill No. 19, a bill to be entitled "An act to increase the frontier battalion, to further prescribe the powers and duties of the Governor, and of the members of said battalion, and to make an additional appropriation to defray the expenses thereof.

Motion lost.

The President announced that the hour had arrived for the Senate to go into a committee of the whole for the consideration of Senate bill No. 2, an act regulating the grazing of stock, and to provide for enforcing penalties, etc.

The Senate went into committee of the whole.

IN SENATE

Senator Buchanan, chairman of committee of the whole, reported progress and asked leave to sit again this evening at 3 o'clock.

Adopted.

On motion of Senator Shannon, the Senate adjourned to 3 o'clock p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Senator Traylor moved that the Senate go into committee of the whole.

Adopted.

The Senate went again into a committee of the whole.

IN SENATE.

Senator Buchanan, chairman of the committee of the whole, rose, reported progress, and asked leave to sit again to-morrow morning after the morning call.

The following message was received from the Governor, and read by the Secretary:

EXECUTIVE OFFICE,
AUSTIN, January 18, 1884.

To the Senate:

GENTLEMEN: I respectfully request your consent to the following appointments, viz:

TO BE JUDGES OF THE COMMISSION OF APPEALS.

R. S. Walker, appointed October 1, 1883.

A. T. Watts, appointed October 1, 1883.

W. S. Delaney, appointed October 1, 1883.

TO BE DISTRICT JUDGES.

Gustave Cook, criminal district of Galveston and Harris counties, appointed June 4, 1883.

Felix J. McCord, seventh judicial district, appointed August 20, 1883, vice J. C. Robertson, resigned.

TO BE DISTRICT ATTORNEYS.

W. R. Wallace, vice P. Jones, deceased; twenty-fourth district; appointed July 18, 1883.

J. G. Garrison, vice N. A. Steadman, resigned; second district; appointed September 10, 1883.

J. D. Sheeks, sixteenth district; appointed September 27, 1883.

Jno. A. Gordon, tenth district; appointed November 21, 1883, vice L. C. Sparkman, resigned.

TO BE STATE PENITENTIARY COMMISSIONERS.

Walter Tipps, Commissioner, appointed April 18, 1883.

I. G. Searcy, Commissioner, appointed April 18, 1883.

TO BE STATE ENGINEER.

James H. Britton, appointed July 9, 1883.

TO BE UNIVERSITY REGENTS.

Geo. T. Todd, appointed July 17, 1883, vice M. R. Crawford, resigned.

Seth Shepard, appointed August 11, 1883, vice M. G. Garrett, resigned.

TO BE THE BOARD OF MANAGERS OF THE LUNATIC ASYLUM, AUSTIN.

A. E. Goodwin, appointed April 26, 1883.

W. M. Wilson, appointed April 26, 1883.

N. G. Shelly, appointed July 31, 1883.

Stephen H. Darden, appointed July 31, 1883.

C. C. Dibrell, appointed September 25, 1883.

TO BE TRUSTEE OF DEAF AND DUMB ASYLUM.

T. W. Folts, appointed May 18, 1883.

TO BE COMMISSIONER OF PILOTS.

Jans Moller, Galveston, appointed October 27, 1883, vice C. Munn, resigned.

JOHN IRELAND, Governor.

Senator Johnston of Shelby moved that the Senate go into executive session to-morrow morning after the morning call, to consider the appointments made by the Governor in the message just read.

Adopted.

On motion of Senator Fleming,

Senate adjourned till to-morrow morning at 10 o'clock.

ELEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 19, 1884.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg,

The reading of yesterday's journal was dispensed with, and

The journal was adopted.

Senator Shannon introduced a bill to be entitled "An act to prevent the destruction of grass within enclosures."

Referred to Judiciary Committee No. 2.

Senator Cooper introduced a bill to be entitled "An act to set apart and sell certain lands and apply the proceeds to securing a full representation of

Texas at the World's Fair to be opened in New Orleans, in December, 1884."

Referred to Committee on State Affairs.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 18, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate joint resolution No. 8, being "Joint resolution requesting Texas Senators and Representatives to urge the passage of any bill by Congress, granting the right of way through the Indian Territory to the Gulf, Colorado and Santa Fe railway company, or to any reliable railway company," and find the same correctly enrolled, and have this day, at 10:10 a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

Senator Fleming moved that the Senate go into executive session to consider the appointments made by the Governor in his message of yesterday.

Adopted, and

The Senate went into executive session.

IN SENATE.

On motion of Senator Stratton,

The Secretary was instructed to inform the Governor that the Senate advises and consents to the appointments made by him in his message of yesterday, as follows:

TO BE JUDGES OF THE COMMISSION OF APPEALS.

R. S. Walker, appointed October 1, 1883.
A. T. Watts, appointed October 1, 1883.
W. S. Delaney, appointed October 1, 1883.

TO BE DISTRICT JUDGES.

Gustave Cook, criminal district of Galveston and Harris counties, appointed June 4, 1883.
Felix J. McCord, seventh judicial district, appointed August 20, 1883, vice J. C. Robertson, resigned.

TO BE DISTRICT ATTORNEYS.

W. R. Wallace, vice P. Jones, deceased, twenty-fourth district, appointed July 18, 1883.
J. G. Garrison, vice N. A. Steadman, resigned, second district, appointed September 10, 1883.
J. D. Sheeks, sixteenth district, appointed September 27, 1883.
Jno. A. Gordon, tenth district, appointed November 21, 1883, vice L. C. Sparkman, resigned.

TO BE STATE PENITENTIARY COMMISSIONERS.

Walter Tips, Commissioner, appointed April 18, 1883.
I. G. Searcy, Commissioner, appointed April 18, 1883.

TO BE STATE ENGINEER.

James H. Britton, appointed July 9, 1883.

TO BE UNIVERSITY REGENTS.

Geo. T. Todd, appointed July 17, 1883, vice M. R. Crawford, resigned.
Seth Shepard, appointed August 11, 1883, vice M. G. Garrett, resigned.

TO BE THE BOARD OF MANAGERS OF THE LUNATIC ASYLUM, AUSTIN.

A. E. Goodwin, appointed April 26, 1883.
W. M. Wilson, appointed April 26, 1883.

N. G. Shelly, appointed July 31, 1883.
Stephen H. Darden, appointed July 31, 1883.
C. C. Dibrell, appointed September 25, 1883.

TO BE TRUSTEE OF DEAF AND DUMB ASYLUM.

T. W. Folts, appointed May 18, 1883.

TO BE COMMISSIONER OF PILOTS.

Jans Moller, Galveston, appointed October 27, 1883, vice C. Munn, resigned.

On motion of Senator Stratton,
Senators Jones and Peacock were excused till Monday.

On motion of Senator Matlock,

The Senate went into committee of the whole to consider Senate bill No. 2, "An act regulating the grazing of stock, and to provide for enforcing penalties, etc.," pending on adjournment yesterday.

Adopted, and

The Senate went into committee of the whole.

IN SENATE.

President in the chair.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 19, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House of Representatives has passed House bill No. 18, "An act to amend 'an act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same,' approved April 7, 1879, and to extend the right of redemption."

Yeas, 85; nays, none.

J. W. BOOTH, Chief Clerk.

In committee of the whole.

IN SENATE.

Senator Buchanan, chairman of committee of the whole, reported progress, and asked leave to sit again Monday morning, after morning call.

Senator Pfeuffer, by leave, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 19, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 10, entitled "An act to further regulate the collection of taxes on real estate, including lands heretofore bought in by the State at delinquent tax sales," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 19, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 29, entitled "An act to authorize the Comptroller of Public Accounts to receive taxes due on real estate from A. D. 1871 to 1876, inclusive," have carefully examined the same, and instruct me to report the same back with the recommendation that the following bill, entitled "An act to authorize the owner or agent to render land for taxes due for the years 1871 to 1876, inclusive, and providing for the assessment and collection of taxes due thereon," be substituted therefor, and that one hundred copies be printed for the use of the Senate.

All of which is respectfully submitted.

PFEUFFER, Chairman.

The following communication was read by the Secretary:

TEXAS DEAF AND DUMB ASYLUM,
AUSTIN, January 18, 1884.

To the Hon. Marion Martin, President of the Senate:

The Senate of the State of Texas, either in a body or through committee, and also as individuals, are hereby respectfully invited to visit the Texas Deaf and Dumb Asylum.

Respectfully,

WM. SHAPARD, Superintendent.

On motion of Senator Terrell,
The Senate adjourned till 10 o'clock a. m., Monday.

TWELFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 21, 1884.

Senate met pursuant to adjournment.
Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Getzendaner,

The reading of the journal of Saturday was dispensed with, and

The journal was adopted.

Senator Pfeuffer presented a memorial from the citizens of Llano county, protesting against a herd law.

Referred to Committee on Stock and Stockraising.

Senator Davis, chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 61, entitled "An act to authorize towns and villages incorporated for free school purposes only to issue bonds for the purpose of purchasing sites and erecting school houses thereon within the limits of such incorporated town or village, and to levy a tax for the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 31, entitled "An act to amend section 1 of an act requiring the proceeds arising from the leasing or renting of county school lands, and from the sales of timber thereon, to be applied exclusively to educational purposes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Patton, acting chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 47, entitled "An act to prescribe the duties of, and to enable sheriffs to enforce the laws in the various counties in this State," have carefully examined the same, and instruct me

to report that they find the existing laws authorizing sheriffs to appoint deputies, and, under certain emergencies, summon a *posse comitatus* for the enforcement of the laws, invest powers adequate to the duties incident to the office in making arrests, suppressing tumultuous assemblies and riots, and preserving the peace, and they fear that the enactment of a law, such as proposed by the bill, would be deleterious to the peace and order of society by authorizing sheriffs to license a number of men in each county in the State, nominally of the shrievalty, but not actively engaged in its service, to carry deadly weapons, and for these reasons to recommend that the bill do not pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 63, entitled "An act to prevent the destruction of grass within enclosures," have carefully examined the same, and recommend that the bill be amended by striking out section 2 thereof, and that so amended it do pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 57, entitled "An act to further define a lawful fence and to protect owners thereof from trespass," have carefully examined the same and find that the bill proposes to make a fence constructed of wire (without the board or plank now required by law to give notice of an obstruction) a lawful fence, of which your committee do not approve, for the reason that they believe that such a fence would be very dangerous to cattle and horses, as well as to persons traveling at night and they also believe that the legalizing of such a fence would at least have a tendency to protect the owner from the payment of the damages that would likely result from the use of such a fence. For these reasons they instruct me to report the bill back with the recommendation that it do not pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred substitute House bill No. 11, entitled "An act to amend article 413, chapter 2, title 13, of an act entitled 'an act to adopt and establish the Penal Code of the State of Texas,' passed February 21, 1879, have carefully examined the same and recommend that the caption of said bill be amended by striking out the word "the" where it occurs before the word "penal," and inserting "a," and striking out "of," between the words "Code" and the words "and a Code of Criminal Procedure;" and that section 1 of the bill be amended by striking out the words "the" and "Revised" between the words "establish" and "Penal," and inserting the word "a," and striking out the word "of" between the words "Code" and "the," and inserting the following "and a Code of Criminal Procedure for," and that the bill so amended do pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.

Bill, with committee amendments, read first time.

COMMITTEE ROOM,
AUSTIN, January 21, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate bill No. 42, entitled "An act requiring one gateway in every two miles of fencing, and punishing the building or maintaining any fence without such gateway," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PATTON, Acting Chairman.